

COMMENTS

1. Status of the Claims

Claims 1-15 remain pending in the application. No claims have been amended in the present Response to Official Action.

2. Claim Rejections

Claims 1-7, 9-10, and 12-15 were rejected under 35 USC §103(a) as being unpatentable over Thibadeau et al. (US 5,565,909) in view of Schmidt et al. (US 6,535,813). Claim 8 was rejected under 35 USC §103(a) as being unpatentable over Thibadeau et al. (US 5,565,909) in view of Schmidt et al. (US 6,535,813) and further in view of Sharma (US 6,766,163). Finally, claim 11 was rejected under 35 USC §103(a) as being unpatentable over Thibadeau et al. (US 5,565,909) in view of Schmidt et al. (US 6,535,813) and further in view of Kaars (US 5,999,216).

Applicant has conducted a careful review of the above cited references and has compared their teachings to the recitations of claims 1-15. Applicant believes and respectfully submits that all of the pending claims define over and are not obvious in view of the cited references, and thus are allowable. Reconsideration and a notice of allowance are earnestly solicited in view of the following detailed discussion.

3. Arguments

All of the pending claims were rejected based on a proposed combination including, as its primary component, Thibadeau et al. in view of Schmidt et al.

Thibadeau et al. discloses that single messages are attributed location information. According to Thibadeau et al. at column 4, lines 46 to 50, "...[t]he end users have control of the geographic definition and can arrange to see, store, or otherwise process only messages (emphasis added) relevant to selected geographic areas without having to process messages (emphasis added) which are outside the area of interest." Therefore, in Thibadeau et al., a selection is made between messages and not between transmitters, as discussed in detail in applicant's previous response.

Schmidt et al. disclose a mobile GPS mapping system for automobiles that is capable of suggesting routes based at least partially on received broadcasts of traffic information. There are a plurality of transmitters offering traffic information and each transmitter has an associated PI code that specifies, among other things, the grids on a map where transmissions from the transmitter may be received. As a vehicle equipped with the system traverses a route from one grid to the next, the processor of the GPS mapping system selects the most appropriate transmitter from which to receive traffic information for that grid. The selection is made based upon a stored list for the PI codes that includes information regarding the reception area, the region covered by the message content (e.g. local or regional), the known frequencies, and an additional message selection carried out by the transmitter (see Schmidt et al. column 2, line 22 et seq.).

It is argued in the Official Action that the disclosure of Schmidt et al. might be combined with Thibadeau et al. in view of column 5, lines 21 to 27 of Thibadeau et al.

offering the possibility that there are multiple broadcasters. However, Thibadeau et al. do not disclose that each broadcaster always sends the same information or that those messages applying to a particular location are always sent by the same broadcaster. In fact, a key part of the Thibadeau et al. disclosure is that each broadcaster broadcasts messages of interest to a variety of locations and selections are made from the various messages from each broadcaster. Thibadeau et al. start from the assumption that there is a single broadcaster (column 8, line 9: "the transmitter of information" (emphasis added)) and does not disclose a more complicated situation with multiple broadcasters. Thibadeau et al. assume that each single broadcaster transmits different location-specific messages for different locations.

Therefore, in the system of Thibadeau et al. there is not a single location-specific characteristic parameter to be sent by the transmitter with such location-specific parameter specifying information of the location of a transmitter itself. Thibadeau et al. even teach away from providing such information. Specifically, in Thibadeau et al., the information on the location of the broadcaster is not useful because the transmitter broadcasts information relevant to a variety of different locations. It is irrelevant in Thibadeau et al. where the broadcaster is located. Rather, Thibadeau et al. teach that it is the information regarding the relevant location for a particular message, regardless of the location of its broadcaster, that is important and useful.

To combine Thibadeau et al. and Schmidt et al. as suggested in the Official Action would not result in the claimed invention. At best, the result would simply be a

number of transmitters or broadcasters in different locations (Schmidt et al.) each broadcasting a plurality of messages each relevant to a different location, which likely is not be the location of the broadcaster itself (Thibadeau et al.). Such a system would be non-functional for the intended purpose of either the system of Thibadeau et al. or Schmidt et al. because determining the location of one of the transmitters (broadcasters) of the combination still would not provide usable information since the various messages broadcast by that transmitter still would be specific to different locations. Also, while the KSR court rejected a rigid application of the teaching, suggestion, or motivation ("TSM") test in an obviousness inquiry, the Court acknowledged the importance of identifying "a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does" in an obviousness determination. *KSR International Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1731 (2007). No reason for making the proposed combination has been offered in the Official Action. Applicant asserts, in fact, that there is no reason absent the purely hindsight need to generate the claimed invention, which is improper. Indeed, there are reasons not to make the suggested combination since, as stated above, such a combination would result in a useless system with multiple transmitters or broadcasters each broadcasting multiple messages relevant to different locations, which would serve no useful purpose in the systems of Thibadeau et al. or Schmidt et al.

Moreover, the Official Action states the following: "When combined with the teachings of Schmidt et al., and using the transmitter identification parameters taught by

Schmidt et al. col. 2 ln. 44-49, Thibadeau et al. in view of Schmidt et al. results in a feature association unit associating a feature with the useful data, which corresponds to the degree of correlation of the first location-specific characteristic parameter...with the second location specific parameter." The Official Action further states that this feature "allows for dividing the plurality of transmitters in groups of different broadcasting areas, wherein the user is able to select the transmitter(s) desired by him among the groups." Applicant earnestly traverses this position for the following reasons.

First, even if one assumed that multiple transmitters transmit identification parameters and that, in Thibadeau et al., a selection can be made, there is no disclosure in Thibadeau et al. and no disclosure in Schmidt et al. hinting at determining the degree of correlation between two parameters. It is improper to take one parameter from a first prior art document (second location specific characteristic parameter in Thibadeau et al., column 14, lines 34 to 37) and a second different parameter from a second prior art document (first location-specific characteristic parameter in Schmidt et al., column 2, lines 44 to 49) and merely allege, with no support, that it would have been obvious to determine the degree of correlation between these two parameters as claimed. In each of these two documents, only one parameter is disclosed to be used. In neither of these documents is there a need to determine a correlation between such parameter and a second parameter. Determining the degree of correlation between disparate parameters of two different prior art documents is not obvious at all without the improper use of hindsight gleaned from applicant's own disclosure, and therefore the rejection based upon this asserted combination should be withdrawn.

Moreover, even if one agreed to the asserted combination regarding correlation of parameters (applicant does not), the second part of the argument cannot withstand scrutiny. In particular, even if one combined Thibadeau et al. with Schmidt et al., one would not obtain that a feature allows for dividing the plurality of transmitters in groups of different broadcasting areas where “the user is able to select the transmitter(s) desired by him among the groups” as claimed. It is to be noted that the claimed system is a two-dimensional or a multiple level system. The first dimension or level is the group. The second dimension or level is that in each group there might be a plurality of transmitters. Schmidt et al. only disclose that one might sort services according to a valuation (compare abstract of Schmidt et al.). A receiver is set in each case to the highest rated service. This is only one-dimensional as opposed to the claimed two-dimensional system. In Schmidt et al., the user may chose between services. However, the services are not classified in groups as claimed in the present application. Therefore, the combination of Thibadeau et al. with Schmidt et al. as suggested in the Official Action does not result in the claimed invention, even if one concedes (applicant does not) that it would be obvious to determine the degree of correlation between parameters of different references.

In view of the forgoing, claim 1 is believed to be allowable over the proposed combination of Thibadeau et al. with Schmidt et al. Claims 2 – 13 depend from independent claim 1 and inherit all of its limitations. Accordingly, these claims also are allowable for at least the same reasons that claim 1 is allowable. Further, the proposed

combination of Thibadeau et al. and Schmidt et al. fails to disclose, at least, second auxiliary data associated with the useful data and its use to filter the useful data (claim 3), that the second auxiliary data are correlated with indications to types of television broadcasts (claim 4), that the feature associated with the useful data contains a statement about whether and where the display correlated with the useful data is presented on the display unit (claim 8), and that each filter unit can be specified by an operator of the receiver (claim 13). For at least all of these reasons, dependent claims 2 – 13 are believed to be allowable.

Claim 14, also recites a plurality of transmitters and that the feature associated with the useful data allows for dividing the plurality of transmitters in groups of different broadcasting areas, wherein the user is able to select the transmitter(s) desired by him among the groups on a display unit. As detailed above relative to claim 1, these limitations, at least, are not taught or fairly suggested by a Thibadeau et al. and Schmidt et al. combination. Claim 14 is thus allowable over a combination involving Thibadeau et al. in view of Schmidt et al.

Claim 15, as amended, recites a method of transmitting digital data from a plurality of transmitters to at least one receiver. Claim 15 also recites dividing the plurality of transmitters in groups of different broadcasting areas based on the feature associated with the useful data, wherein the user is able to select the transmitter(s) desired by him among the groups. As discussed above, these features, at least, are not taught or fairly suggested by the proposed combination involving Thibadeau et al. with

Schmidt et al. Therefore, the proposed combination of Schmidt et al. with Thibadeau et al. fails to establish a prima facie case of obviousness at least because such a combination would not contain all of the elements of claim 15. Accordingly, claim 15 is allowable over the proposed combination.

CONCLUSION

In summary, claims 1-15 recite a transmission-reception system and method of unique structure and attributes not taught or suggested by the art of record. Accordingly, these claims are believed to be in condition for allowance and an early notice to such effect is earnestly solicited.

The examiner is requested to contact the undersigned counsel if allowance of the claims can be facilitated by examiner's amendment, telephone interview, or otherwise.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Order Account No. 09-0528.

Respectfully submitted,

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